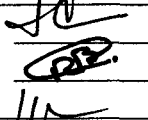




CITY OF CARLSBAD – AGENDA BILL

12

AB#	20.002	APPROVAL OF AMENDMENTS TO THE CITY MANAGER AND CITY ATTORNEY EMPLOYMENT AGREEMENTS	DEPT. HEAD	
MTG.	10/20/2009		CITY ATTY.	
DEPT.	HR		CITY MGR.	

RECOMMENDED ACTION:

Adopt Resolution No. 2009-259 approving clarifications to the City Manager and City Attorney's Employment Agreements.

ITEM EXPLANATION:

On July 1, 2008, the City Council adopted Resolution No. 2008-207, establishing an Employment Agreement with the City Manager and on November 19, 1996, the City Council adopted Resolution No. 96-395, establishing a Letter of Understanding for the City Attorney. These Employment Agreements, along with any subsequent amendments, set forth the employment relationship between the City Council and its appointed staff. Included as part of the stated job duties, the City Manager serves as the Executive Director of the Redevelopment Commission and the Executive Manager of the Carlsbad Municipal Water District and the City Attorney serves as the General Counsel of the Redevelopment Commission and the General Counsel of the Carlsbad Municipal Water District. The Employment Agreements set the compensation for these job duties at \$300 per month for the Redevelopment Commission and \$300 per month for the work with the Carlsbad Municipal Water District. These amounts are in addition to the base salaries and have always been considered part of the total cash compensation that is reported to CalPERS for purposes of calculating retirement benefits.

Recently CalPERS contacted the City and requested that the City clarify the total base salaries of each of these employees in the contracts. The attached resolution adopts amendments to these Employment Agreements to make the required technical clarifications.

FISCAL IMPACT:

There is no fiscal impact associated with the amendments to the Employment Agreements.

ENVIRONMENTAL IMPACT:

These amendments are statutorily exempt from CEQA pursuant to Public Resources Code Section 21080(b)(1).

EXHIBITS:

1. Exhibit A - Amendment No. 1 to the Employment Agreement with the City Manager
2. Exhibit B - Amendment No. 6 to the Letter of Understanding with the City Attorney
3. Resolution No. 2009-259

DEPARTMENT CONTACT: Debbie Porter 760-602-2441 debbie.porter@carlsbadca.gov

FOR CITY CLERKS USE ONLY.			
COUNCIL ACTION:	APPROVED	<input checked="" type="checkbox"/>	CONTINUED TO DATE
	DENIED	<input type="checkbox"/>	SPECIFIC
	CONTINUED	<input type="checkbox"/>	CONTINUED TO DATE
	WITHDRAWN	<input type="checkbox"/>	UNKNOWN
	AMENDED	<input type="checkbox"/>	RETURNED TO STAFF
			OTHER – SEE MINUTES

AMENDMENT NO 1. TO THE EMPLOYMENT AGREEMENT
WITH THE CITY MANAGER

This Amendment is entered into and effective as of the 22nd day of October, 2009, amending the Employment Agreement dated July 1, 2008 by and between the City Council of the City of Carlsbad, (hereinafter "Council") and Lisa Hildabrand, City Manager (hereinafter "City Manager") as follows:

RECITALS

WHEREAS, the initial agreement, dated July 1, 2008 identified with particularity the employment agreement between Council and City Manager; and

WHEREAS, the parties to this aforementioned agreement desire to amend its provisions pertaining to compensation; and

WHEREAS, those sections are amended to read as shown on Exhibit "A" to this amendment.

NOW, THEREFORE, in consideration of these recitals and the mutual covenants contained herein, the City Council and the City Manager agree as follows:

1. That the Employment Agreement dated July 1, 2008 approved by City Council Resolution No. 2008-207 is further amended as shown below:

SECTION III - SALARY

The annual base salary of the City Manager shall be \$217,200 as of January 1, 2009. This includes the amount of compensation for the Executive Director of the Redevelopment Commission of \$300 per month and the compensation for the Executive Manager of the Carlsbad Municipal Water District of \$300 per month. The base salary shall increase every January 1 by the average of the most recently authorized base pay increase under the management compensation plan for the City of Carlsbad until January 1, 2011. Beginning on January 1, 2011, the total cash compensation of the City Manager shall be determined by formula and established at \$100 below the second highest paid city manager in San Diego County with the exclusion of the City of San Diego but in no event shall the total cash compensation be

set lower than the previous year. In the event that economic considerations indicate that no salary increases for employees are appropriate, the City Manager shall not receive a salary adjustment until such time as employees are receiving salary or benefit adjustments.

SECTION V – OTHER DUTIES

The City Manager shall also serve as the Executive Director of the Redevelopment Commission and the Executive Manager of the Carlsbad Municipal Water District.

2. Except for this amendment, all other terms and conditions of said Employment Agreement remain unchanged and in full force and effect.

“City”

CITY OF CARLSBAD
A Municipal Corporation

By: _____

Mayor

“City Manager”

LISA HILDABRAND

Signature

ATTEST:

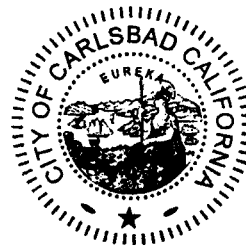
By: _____

City Clerk

APPROVED AS TO FORM:

By: _____

City Attorney



AMENDMENT NO 6. TO THE LETTER OF UNDERSTANDING
WITH THE CITY ATTORNEY

This Amendment is entered into and effective as of the 22nd day of October, 2009, amending the Letter of Understanding dated November 21, 1996 by and between the City Council of the City of Carlsbad, (hereinafter "Council") and Ronald R. Ball, City Attorney (hereinafter "City Attorney") as follows:

RECITALS

WHEREAS, the initial agreement, dated November 21, 1996 identified with particularity the employment agreement between Council and City Attorney; and

WHEREAS, the parties to this aforementioned agreement desire to amend its provisions pertaining to compensation.

NOW, THEREFORE, in consideration of these recitals and the mutual covenants contained herein, the City Council and the City Attorney agree as follows:

1. That the Letter of Understanding dated November 21, 1996 approved by City Council Resolution No 96-395 and as amended by Resolution No. 99-279 dated August 10, 1999, Resolution No. 2000-319 dated October 17, 2000, Resolution No. 2001-83 dated March 13, 2001, Resolution No. 2002-148 dated May 21, 2002, and Resolution No. 2002-246 dated August 13, 2002 is further amended as shown below:

SECTION IV SALARY

The annual base salary of the City Attorney shall be \$236,300 as of January 1, 2009. This includes the compensation for the General Counsel of the Housing & Redevelopment Commission of \$300 per month and the compensation for the General Counsel of the Carlsbad Municipal Water District of \$300 per month. The base compensation of the City Attorney shall be established at no less than 95% of the City Manager's base compensation by adjustments effective January 1 each year or by such other additional amounts as determined by a resolution of the City Council.

SECTION V OTHER DUTIES

The City Attorney shall also serve as the General Counsel of the Carlsbad Municipal Water District and General Counsel to the Housing & Redevelopment Commission.

2. Except for this amendment, all other terms and conditions of said Letter of Understanding remain unchanged and in full force and effect.

"City"

CITY OF CARLSBAD
A Municipal Corporation

By: _____

Paul A. Lewis
Mayor

"City Attorney"

RON BALL

Ron Ball
Signature

10.26.09.

ATTEST:

By: _____

A. J. [illegible]
City Clerk

APPROVED AS TO FORM:

By: _____

[Signature]
City Attorney



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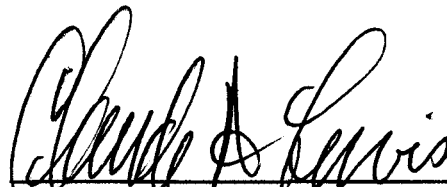
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1 PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council
2 of the City of Carlsbad on the 20th day of October, 2009, by the following vote to wit:

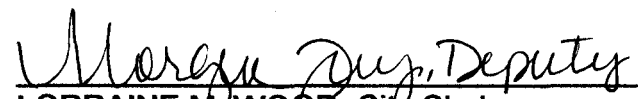
3 AYES: Council Members Lewis, Kulchin, Hall, Packard and Blackburn.
4

5 NOES: None.
6

7 ABSENT: None.
8

9
10 
11 _____
12 CLAUDE A LEWIS, Mayor

13 ATTEST:

14
15 
16 _____
17 LORRAINE M. WOOD, City Clerk
18 (SEAL)

